

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2002-001139

05/12/2003

HONORABLE CONNIE CONTES

CLERK OF THE COURT  
T. Fenton  
Deputy

FILED: 05/28/2003

IN RE THE MARRIAGE OF  
AMY NORTON

JAMES S OSBORN POPP

AND

MICHAEL J NORTON

TODD H FRANKS

ALTERNATIVE DISPUTE  
RESOLUTION - CCC  
CONCILIATION SERVICES-CCC  
JUDGE HYATT  
SUPPORT SERVICES-CCC

MINUTE ENTRY

Prior to hearing, Petitioner's Exhibits 1 through 5 are marked for identification.

4:06 p.m. This is the time set for Hearing on Order of Protection, as well as various matters. Petitioner/Mother is present with counsel, James S. Osborn Popp. Respondent/Father is present with counsel, Todd H. Franks and Kevin Park.

A digital audio recording of this proceeding is being made by the "For the Record" recording system in lieu of a court reporter.

The Court has received and reviewed the following pleadings/documents:

1. Mother's Request for Hearing on Order of Protection,
2. Father's Petition for Emergency Modification of Temporary Orders re: Custody, Parenting Time and Child Support, Mother's response thereto and Father's reply thereto,

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3. Father's Petition for Emergency Modification of Temporary Orders re: Use of Community Vehicle,
4. Father's Motion in Limine and for Discovery Sanctions,
5. Mother's Accelerated Motion to Postpone Trial/Motion to Compel and Father's response thereto, and
6. Father's Accelerated Motion to Permit Out-Of-State Witnesses to Appear Telephonically and for Admission of Affidavits.

Upon request of Father, and there being no objection,

**IT IS ORDERED** vacating the Comprehensive Pretrial Conference scheduled for May 15, 2003.

**IT IS FURTHER ORDERED** that, for the time being, the parties shall remain the joint legal custodians of the minor children, Gentry, born 12/22/90, and Seth, born 2/19/92.

**IT IS FURTHER ORDERED** that Mother shall take no action to misuse her continuing role as a legal custodian to cause any disruption to the children, and Mother shall not withdraw or remove the children from school.

**IT IS FURTHER ORDERED** that Mother has limited physical access with the minor children at this time and is entitled to supervised parenting time, as recommended by Dr. Diamond and as authorized by the Court. At this time, Mother's supervised parenting time shall take place twice each week for at least one hour at a time, commencing Tuesday, May 13, 2003, to be increased upon recommendation of Dr. Diamond and as authorized by the Court.

Upon stipulation,

**IT IS ORDERED** the fees for the supervisor for Mother's parenting time shall be shared 50/50 between the parties.

Upon request of counsel for Father,

**IT IS ORDERED** that, because the minor children are currently in Father's care, the payment of child support from Father to Mother shall cease effective May 1, 2003.

**IT IS FURTHER ORDERED** that on or before May 31, 2003, Father's name shall be removed from the title and debt on the vehicle that Mother is driving. If Mother does not remove Father's name from the title and debt by that time, Mother shall return the vehicle to Father on May 31, 2003.

Mother requests to quash the Order of Protection issued against her on April 16, 2003, and discussion ensues.

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**IT IS ORDERED** denying Mother's request to quash the Order of Protection. The Order shall remain in place as to Father, only, at his residence and place of employment and as to in-person and telephonic contact.

**IT IS FURTHER ORDERED** modifying the Order of Protection issued against Mother on April 16, 2003, by removing the minor children therefrom, all in accordance with the formal written Modified Order of Protection approved and signed by the Court this date.

Formal written Hearing Order Regarding Order Of Protection is approved and signed by the Court this date.

ISSUED: Acceptance of Service.

Pursuant to the information provided to the Court on the record this date, and upon stipulation of the parties,

**IT IS ORDERED** directing both parties to make in-person contact on **Tuesday, May 13, 2003**, with **Kate DeBaun**, the Family Drug Court Liaison Officer (or available Family Drug Court Staff), at 101 West Jefferson, Suite 912 of the East Court Building, (602 525-0278) to screen for participation in the Family Drug Court.

**IT IS FURTHER ORDERED** that both parties will comply with all instructions and directives given by the Family Drug Court Liaison Officer and staff, who will screen the parties for services within the Family Drug Court necessary and appropriate to assist this Court in addressing the issues of custody and/or parenting time.

**IT IS FURTHER ORDERED** that if the parties are deemed eligible for participation in the Family Drug Court, they will cooperate in and complete the program as directed by Judge Hyatt and the Family Drug Court team.

In light of the parties' referral to Family Drug Court, the Court finds that it is unnecessary for Mother to participate in a TASC risk assessment at this time.

Based upon developments since the original Dispute Assessment,

**IT IS FURTHER ORDERED** referring the parties to Conciliation Services for the purpose of a supplemental Dispute Assessment, which shall include Conciliation Services' coordination with Dr. Diamond.

**IT IS FURTHER ORDERED** that the parties shall comply with all orders and instructions of Conciliation Services.

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**IT IS FURTHER ORDERED** that Conciliation Services will contact the parties to set the appropriate hearing/conference.

**IT IS FURTHER ORDERED** vacating the Comprehensive Pretrial Conference on May 15, 2003, at 11:00 a.m.

**IT IS FURTHER ORDERED** setting a Settlement Conference on **July 8, 2003, at 1:30 p.m.**, before Judge Pro Tem Jenny Gadow. Counsel and/or the parties shall not contact ADR directly.

**IT IS FURTHER ORDERED** that Father's request for attorney's fees shall abide the trial in this matter.

**IT IS FURTHER ORDERED** granting Mother's Motion to Postpone Trial and the Trial in this matter is continued from May 28, 2003, at 8:45 a.m. to **August 11, 2003, at 9:30 a.m., and August 12, 2003, at 9:30 a.m.**, before:

**HONORABLE CONNIE CONTES**  
**Southeast Juvenile Court Center Facility**  
**1810 S. Lewis**  
**Mesa, Arizona 85210-6234**

**(TIME ALLOTTED: 2 days)**

**IT IS FURTHER ORDERED** all discovery shall be completed thirty days before the trial set herein, and initial disclosures shall be exchanged on or before May 30, 2003

**IT IS FURTHER ORDERED** each party shall exchange his or her exhibits and witness lists for the trial with the other party not later than five business days before the trial if not included in the Joint Pretrial Statement.

**Exhibits**

**IT IS FURTHER ORDERED** that both sides **shall** hand-deliver to the Clerk of this Division all exhibits to be used at the trial **at least 3 business days prior to trial**. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of paper. All trial exhibits shall have been exchanged prior to that time. No duplicate exhibits shall be presented for marking. If either party fails to comply with the steps for marking exhibits, that party's exhibits will be precluded from being marked at the trial.

**IT IS FURTHER ORDERED AS FOLLOWS:**

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Each party shall file an affidavit of current financial circumstances and a Child Support Worksheet pursuant to the Child Support Guidelines at the time of presenting exhibits to the clerk.

**Pre-Trial Statement**

**IT IS ORDERED** that each party shall file and provide this Division with a copy of a **Joint** Pre-trial Statement at least five business days before the trial. **IF A PARTY OR PARTIES FAIL TO FILE THE PRE-TRIAL STATEMENT BY JUNE 23, 2003 THE COURT WILL VACATE THE TRIAL.** The Joint Pre-trial Statement shall state:

1. The details of all agreements reached by the parties on substantive and procedural issues.
2. A statement of uncontested facts.
3. A **brief** statement of each party's position on each contested issue.
4. Specific proposals by each party on how the contested issues can be resolved or narrowed.
5. A list of witnesses each party intends to call, and the substance of each witness's testimony.
6. A list of exhibits each party intends to offer, and the specific objections of each party to the other's exhibits.

**Failure to obey this order in all respects may subject the offending party or counsel to all sanctions provided and allowed by court rule, statute or other law.**

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

**IT IS FURTHER ORDERED** that the parties are directed to have John Casalena finalize and submit his written business appraisal on or before May 30, 2003, and any documents that are necessary for Mr. Casalena to do so shall be provided to him promptly.

**IT IS FURTHER ORDERED** that any documents , and therefore any documents that the companies need to convey to him need to be provided promptly.

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Upon stipulation,

**IT IS ORDERED** permanently releasing Petitioner's Exhibits 1 through 5 to counsel for Petitioner.

ISSUED: Exhibit/Record Release Form.

The Court will not take Mother's Request for Attorney's Fees in the Interim under advisement, but rather will rule on the Motion in due course.

5:33 p.m. Matter concludes.

FILED: Exhibit Worksheet.

/S/ HONORABLE CONNIE CONTES

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JUDICIAL OFFICER OF THE SUPERIOR COURT